THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :23811 of 2007

DATED:12-11-2007

BETWEEN:

Palle Ramulu.

..... PETITIONER

AND

The Secretary to the Revenue Department,
Govt. of Andhra Pradesh,
Secretariat Buildings,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 to 3 in allotting the land of the petitioner to the 4th respondent an extent of Ac 5.00 in Sy.No.706 at Jawaharnagar Gram Panchayat, Shamirpet mandal, Rangareddy District, as illegal and arbitrary.

3. It is the case of the petitioner that he is a landless poor and cultivating an extent of Ac.5.00 situated at Jawarnagar Gram Panchayat, Shamirpet. It is stated that he has constructed a farm house, and cultivating the lands since 1975, and also paying house tax and land tax to the concerned department. It is stated that the Revenue Divisional Officer recommended his case along with others for assignment of the land. It is further stated that petitioner and others filed W.P.No.20995 of 2002 on the file of this Court which was disposed of on 25-03-2004 directing the authorities to consider the case of the petitioner, but recently he came to know that the said land was allotted in favour of the 4th respondent, and the 4th respondent is threatening to dispossess the petitioner. Hence, the present Writ Petition.

4. Petitioner is not seeking any relief directing the

respondents to consider and dispose of the representation, filed if any, but he seeks to issue a writ of mandamus declaring the action of the respondents 1 to 3 in allotting the said land in favour of the 4th respondent as illegal and arbitrary.

5. I am of the opinion that unless the petitioner has got any vested right, title or interest it cannot be said that the Government has no power to allot the said land in favour of the 4th respondent. W.P.No.20995 of 2002 seeking to declare the action of the respondents in not assigning the land of Ac.5.00 in Sy.No.706, situated at Chennapuram/ Jawaharnagar village, Shamirpet mandal, Rangareddy District, as illegal and arbitrary, and to direct the District Collector not to evict the petitioner without following due process of law, was disposed of directing that wherever the Ex-Serviceman has actually in possession of the land and has brought the land under cultivation, three years prior to the allotment of the said land, the Mandal Revenue Officer shall consider and regularize the possession by issuing D-form patta in favour of Ex-Serviceman or his legal heir wherever necessary.

6. Admittedly, petitioner is not an Ex-Serviceman and in fact, in cases relating to the persons who are not Ex-Servicemen the interim orders granted are vacated keeping it open for the petitioners therein to seek appropriate relief from the Mandal Revenue Officer for assignment. Merely because the claim of the petitioner is pending for assignment it cannot be said that the petitioner is entitled to protest the allotment of the said land in favour of the 4th respondent. In fact, the interim order not to dispossess such farmers who are not the Ex-Servicemen was vacated, while disposing of the said Writ Petition along with

W.P.No.3912 of 1992 and batch, dated

25-04-2004, Therefore, I am of the opinion that the petitioner is not entitled for any interim relief declaring the action of the respondents 1 to 3 in allotting the said land in favour of the 4th respondent, as illegal and arbitrary.

7. Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

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V.ESWARAIAH,J

12th November, 2007.
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